

**SPECIAL MEETING**  
**BOARD OF REGENTS FOR ELEMENTARY AND SECONDARY EDUCATION**  
**July 23, 2003**

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A special meeting of the Board of Regents for Elementary and Secondary Education was held at the Shepard Building - 255 Westminster Street, Providence, RI 02903 and convened at 11:00 a.m.

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**In Attendance:**

J. DiPrete, J. Gaines, P. Guida, C. Callahan, S. Duff, H. Gallo G. Grove and P. Guida (via telephone).

**Approval of BEACON Charter School**

RIDE's Chief of Staff/Chief Legal Counsel, Jennifer Wood explained to the Regents that this meeting had been called as a "special meeting" of the Board in order to seek final approval of the BEACON Charter School project before the beginning of the school year. She said that because of summer schedules, final Board approval had not been obtained before June, but that the school had completed the full process, originally initiated in December 2000.

Members expressed their concern that if the Regents approved the charter school without having already requested funding through the budget, the money would be taken out of the Department's budget. Commissioner McWalters reminded Board members that Regents approval is program approval only. If the legislature doesn't allocate the money to fund the school in this year's budget, the school won't be able to open until next year when the Regents will be able to request the money as part of next year's budget.

Chairman DiPrete requested that if the Regents vote to approve the "program", that the approval carry with it an addendum that makes it clear that Regents approval does not necessarily mean financial approval. The Commissioner assured the Board that the leadership has said that the school will be funded as part of the supplemental budget; that it is not the Department's role to fund the charter school based on Regents approval. Charter school funding comes from education aid and will be approved (or not) by the legislators.

RIDE's Community Affairs Specialist, Keith Olivera, reviewed the process and timeline of the project. He told the group that students have signed up to attend the school; funding is in place; they have the support of the local city and school district; and curriculum has been developed. All criteria for approval has been satisfied.

**MOVED AND SECONDED: That, the Board of Regents for Elementary and Secondary Education approves the BEACON Charter School Project, as presented.**

Regent Gaines requested that an amendment be added to the motion to make the approval contingent on funding from the General Assembly.

Again, Regents expressed concerns about the funding of the school and that the Regents are “caught” between supporting good programs and state fiscal constraints. Ms. Wood agreed with Regents that the funding issue is complicated, however, it is important that the Regents keep in mind that it is within their legal jurisdiction to approve charter schools based solely on program, not funding; and that if they want to make sure that the funding is not to be taken from existing appropriations, they should make their intent clear.

The group decided to support Ms. Gaines motion to amend the original approval.

**MOVED AND SECONDED: That the Board of Regents for Elementary and Secondary Education Approve the BEACON Charter School Project. This Approval is Contingent on the Appropriation of Additional Funding (for the School) from the General Assembly in the understanding that the school will not be funded from existing appropriations.**

**VOTE: Approved. (7 – 1) Regent Callahan opposed the motion.**

#### **Commissioner Remarks**

- The Commissioner reported that Drivers Education has been turned over to CCRI, who will be running it as a cost center, based on supply and demand. On the subject of drivers’ education classes, Ms. Wood told Regents that the decision from the arbitrator on the issue of the Regents authority to cut the number of driver education classes had been issued; and that he had found that the Regents/Department had in no way violated the contract.
- He also reported that he had been asked to sign an agreement that the Department won’t make any personnel decisions beyond what is budgeted, which he fully agrees with. However, he was also asked to agree to have every person hired above a certain amount to be approved by state budget, which he does not agree with. In essence, that agreement would give the budget office the power to decide how the Department should be organized. The Commissioner will be sending a letter that the state budget office does not have the authority to review prospective hirees; that their review is only budgetary.

#### **ADJOURN**

With Unanimous consent the meeting adjourned at 12:45 p.m.